

# HOUSE BILL REPORT

## HB 2166

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**As Passed House:**

March 8, 2005

**Title:** An act relating to the joint legislative committee on water supply during drought.

**Brief Description:** Creating the joint legislative committee on water supply during drought.

**Sponsors:** By Representatives Newhouse, Linville, Kristiansen, Hankins, Grant, Holmquist and Haler.

**Brief History:**

**Committee Activity:**

Economic Development, Agriculture & Trade: 3/1/05, 3/2/05 [DP].

**Floor Activity:**

Passed House: 3/8/05, 97-0.

**Brief Summary of Bill**

- Creates the Joint Legislative Committee on Water Supply During Drought.

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### HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT, AGRICULTURE & TRADE

**Majority Report:** Do pass. Signed by 23 members: Representatives Linville, Chair; Pettigrew, Vice Chair; Kristiansen, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Blake, Buri, Chase, Clibborn, Condotta, Dunn, Grant, Haler, Holmquist, Kenney, Kilmer, Kretz, McCoy, Morrell, Newhouse, Quall, Strow, P. Sullivan and Wallace.

**Staff:** Caroleen Dineen (786-7156).

**Background:**

The Department of Ecology (DOE) declares drought emergencies by administrative order in Washington. Before it can declare a drought emergency, the DOE must determine an area: (1) is experiencing or expected to experience less than 75 percent of normal water supply; and (2) is expected to suffer undue hardships (such as crop failures, municipal water shortages, and fish passage barriers) as a result of the dry conditions. The Governor must provide written approval for Ecology to issue a drought order.

The DOE reports that recent warmer and drier-than-average weather patterns have reduced snow-pack levels across the state from less than 50 to approximately 20 percent of average. The National Weather Service's forecast indicates a continuation of above-normal

temperatures and below-normal precipitation in the Pacific Northwest and concludes drought conditions should persist from Washington and Oregon into western Montana.

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**Summary of Bill:**

The Joint Legislative Committee on Water Supply During Drought (Committee) is created. The Committee may request and review information relating to the state's water supply conditions. The Committee also may request and review information relating to the actual or anticipated economic, environmental, and other impacts of decreased water supply. The Committee may make recommendations to the Legislature on budgetary and legislative actions to improve the state's drought response programs and planning.

The Governor's Executive Water Emergency Committee, the DOE, the Water Supply Advisory Committee, and state agencies with water management or related duties must cooperate in responding to Committee requests. When a drought conditions order is in effect, the DOE must provide the Committee with at least monthly reports describing drought response activities of the DOE and other state and federal agencies participating on the Water Supply Availability Committee. The report must include information regarding applications for, and approvals and denials of, emergency water withdrawals and temporary changes or transfers of water rights.

The Committee includes eight legislative members, four from the House of Representatives and four from the Senate. The members are appointed biennially by the Speaker of the House of Representatives and the President of the Senate respectively. The Committee must include the chairs of the water resources committees of each legislative chamber and two members from each major political party for each chamber.

The Committee must elect a chair and vice-chair. The chair must be a member of the House of Representatives in even-numbered years and a member of the Senate in odd-numbered years. The Committee is convened at the call of the chair when a drought conditions order is in effect or when the chair determines, in consultation with the DOE, that a drought conditions order is likely to be issued within the next year.

Committee members serve until successors are appointed or until they are no longer members of the Legislature. Vacancies are filled by appointment from the same political party.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** This bill is very important. Drought is here this year and will be significant. The Legislature needs to be ready and able to respond to drought seasons as soon as possible to develop solutions to minimize the economic and other impacts of drought.

An economical and adequate water supply during drought must be secured. Problems with using drought wells experienced during the 2001 drought should not be repeated. Temporary transfers during drought periods also should be considered so that water can be used more efficiently.

The DOE approved the use of drought wells in 2001 but secured mitigation to avoid legal challenges. The DOE is pleased to work on drought issues with the legislative committee.

**Testimony Against:** None.

**Persons Testifying:** Representative Newhouse, prime sponsor; Jim Halstrom, Washington State Horticultural Association; Mark Tudor; and Ken Slattery, Washington Department of Ecology.

**Persons Signed In To Testify But Not Testifying:** None.